

### REMARKS

This application has been reviewed in light of the Office Action dated August 29, 2008. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are presented for examination, with Claims 1 and 13 being in independent form. Favorable reconsideration is requested.

The Office Action states that Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 (*Lawlor et al.*), in view of U.S. Patent No. 4,864,497 (*Lowry et al.*), U.S. Patent No. 4,321,672 (*Braun et al.*) and Official Notice. Applicants submit that independent Claims 1 and 13, together with the remaining claims dependent thereon, are patentably distinct from the prior art for at least the following reasons.

On page 3 of the Office Action, it states:

*Lawlor et al.* does not teach: receive the payment request from a payor computing device over the computer network, the payment request being associated with a transaction between the payor and a payee; associated with an account of the payor; to the payee by the payee in satisfaction of the transaction; and a request translation software operative to: translate the request; the ATM control server operative to generate payment instructions and a PIN code;

August 29, 2008 Office Action at p. 3 (emphasis added). The Office Action then looks to *Lowry* for the feature of “a request translation software” and to *Braun et al.* as teaching “the automated teller machine control server operative to generate payment instructions...and a personal identification number code.” Applicants respectfully traverse the characterizations of *Lowry* and *Braun et al.* as applied to Claim 1 for the following reasons.

The “retrieval program” of *Lowry et al.*:

translates a request into an appropriate format and searches through [a] slave database 520 until the specified attribute data object is located. Once the specified attribute data object is located, retrieval program 580 obtains copies of all of the attribute data objects which are held by that specified data object.

*Lowry et al.*, Col. 9, lines 62-65 (emphasis added). Apparently, the Office Action equates the “retrieval program” and “request” of *Lowry et al.* to the “request translation software” and “payment request,” recited in Claim 1, respectively. Applicants submit, however, that none of the “request[s]” and situations in which the system of *Lowry et al.* “ask[s] for ...attribute data objects...” are “a payment request,” as recited in Claim 1. Indeed, *Lowry et al.* has nothing to do with translating a payment request into a native format of an automated teller machine control server, much less transmitting the payment request to the automated teller machine control server. Instead, *Lowry et al.* is directed to using common databases by several application programs to, for example, manage the access to a common data structure by the applications programs and to express information in application program using only a single primitive element which can represent the complex interrelationships of application program information. See, *Lowry et al.* col. 2, lines 42-54. Nothing has been found in *Lowery et al.* that would teach, suggest, or otherwise result in “translation software operative to: receive the payment request, translate the payment request into a native format of an automated teller machine control server, and transmit the payment request to the automated teller machine control server,” as recited in Claim 1 (emphasis added).

Moreover, Applicants respectfully submit that the characterization of *Braun* as being operative to “generate payment instructions...and a personal identification

number code” without considering the remainder of the limitation is improper, particularly when the remainder of the limitation further explains from where those elements are generated, further defines those elements, and explicitly states the actions performed on those elements. Particularly, Claim 1 recites that “...the automated teller machine control server ...generate[s] payment instructions and a personal identification number code .... and transmit[s] the payment instructions and the personal identification number code to an automated teller machine, to enable the automated teller machine to dispense the payment to the payee upon receipt of the personal identification number code by the payee in satisfaction of the transaction.”

At best, *Braun* receives a PIN from a user and transmits that PIN which is then verified. *See, e.g.*, Col. 11, line 50 to col. 12, line 3. Applicants have found nothing in *Braun*, however, that would remotely suggest an “automated teller machine control server being operative to generate payment instructions and a personal identification number code and transmit the payment instructions and the personal identification number code to an automated teller machine.” As explained in Applicant’s July 11, 2008 Amendment, the payee is paid in satisfaction of the transaction upon the payee following these payment instructions and using the correct personal identification number code at an automated teller machine. Indeed, the reasoning behind this portion of the rejection, namely, “that adding the feature helps essentials of the transaction can be transmitted efficiently to the financial institution, without complex input procedures” is misplaced. Such efficiency is actually in many cases not presented. Paying cash or credit/debit using conventional techniques may be more efficient in many cases than the way in a cash payment is executed according to Claim 1. Applicants submit that a combination of

*Lawlor et al*, *Lowry et al*. and *Braun*, assuming such combination would even be permissible, fail to teach, suggest or otherwise result in the “request translation” feature of Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Furthermore, nothing has been found by Applicants in *Lawlor et al*. that would remedy the deficiencies of *Lowry et al*. and *Brown* as applied against the independent claims herein.

Independent Claim 13 is a method claim reciting features similar to those discussed above in connection with Claim 1. Accordingly, Claim 13 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Request for Reconsideration is believed to be proper and is an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants’ undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/  
Jonathan Berschadsky  
Attorney for Applicants  
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 2441308\_1.DOC